

**REGULATION OF NOISE WITHIN THE TOWN OF RUTHERFORDTON  
TO SUPERSEDE CURRENT SECTIONS 8-6001 AND 8-6002  
OF THE CODE OF GENERAL ORDINANCES**

Current Sections 8-6001 and 8-6002 are repealed. In their place the following ordinance may be adopted:

**PART 8, CHAPTER 8, CODE OF GENERAL ORDINANCES  
“NOISE REGULATION”**

**Section 8-8001 Unreasonably loud and disturbing noises prohibited.**

Subject to the provisions of this ordinance, it shall be unlawful for any person or persons to make, permit, continue, or cause to be made or to create any unreasonably loud and disturbing noise in the town. For purposes of this section, the following definitions shall apply:

(1) Unreasonably loud: Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.

(2) Disturbing: Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area. In determining whether a noise is unreasonably loud and disturbing, the following factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent, or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character and zoning (if applicable) of the area; whether the noise is related to the normal operation of a business or other labor activity and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

**Section 8-8002 Particular noises prohibited.**

The following acts, among others, are declared to be unreasonably loud and disturbing noises in violation of this section but the enumeration shall not be deemed to be exclusive, namely:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding of such device for an unnecessary and unreasonable period of time.

(2) The playing of any radio, phonograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, or other type of residence.

(3) The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(4) The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise.

(5) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to

begin or stop work or as a warning of danger.

(6) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(7) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(8) The erection (including excavation), demolition, alteration or repair, or cleaning the outside of, any building in a residential or business district other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except in cases of urgent necessity in the interest of public safety or convenience; provided, however, in cases in which the work is required by an emergency, or by the nature of the particular project or specified portion thereof it is necessary to have a continuous operation without break, or where the specified work cannot be performed while the plant or enterprise is in operation, the town manager may issue a permit for such work to be carried on between hours and on days in addition to the hours and days herein mentioned. The term "weekdays", when used in the paragraph, means any day except Sunday.

(9) The creation of any excessive noise on any street adjacent to any school, institution of learning, library, sanitarium, or hospital, or adjacent to any court while the same is in session or any church during services, which unreasonably interferes with the working of such institution.

(10) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(11) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.

(12) The shouting and crying of peddlers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood.

(13) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, display, or advertisement of merchandise.

### **Section 8-8003 Particular standards established.**

(a) In addition to the violations established by Sections 8-8001 and 8-8002, above, within the Central Business District (C-1 zoning district) no person shall cause, produce, or allow any mechanically or electronically produced or amplified sound that exceeds the levels set out in this section as such sound is measured at the boundary line of the property from which the sound emanates unless exempted from regulation by the exceptions established by subsection (b) below:

(1) On all days except Friday night and Saturday night and holidays:

(a) No nighttime (11:00 p.m. – 6:00 a.m.) sound level shall exceed sixty (60) dB(A); and

(b) No daytime or evening (after 6:00 a.m. – before 11:00 p.m.) sound level shall exceed sixty-five (65) dB(A).

(2) From Friday evening through Sunday morning and holidays:

(a) No nighttime (11:30 p.m. – 8:00 a.m.) sound level shall exceed sixty (60) dB(A); and

(b) No daytime or evening (after 8:00 a.m. – before 11:30 p.m.) sound level shall exceed sixty-five (65) dB(A).

(3) “Decibel” as used in this ordinance is a measure of a unit of sound pressure. Since sound waves having the same decibel level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. And accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.

(b) Exceptions. The following sounds shall be exempt from the provisions of this section:

(1) Sounds of safety signals, warning devices, and emergency pressure relief valves;

(2) Sounds resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency;

(3) Any sound resulting from activities of a temporary duration permitted by law and for which a license or permit has been granted by the town or a state or federal agency when such sounds do not exceed the conditions and limits stated in the license or permit;

(4) Sounds emanating from the normal operations of property equipped aircraft (not including model aircraft);

(5) Sounds emanating from a (i) motor vehicle, or (ii) lawn mower or agricultural equipment operated between the hours of 7:00 a.m. and 9:00 p.m. when the vehicle or equipment is properly equipped with the manufacturer’s or other authorized standard muffler(s) and sound reduction equipment and in use under proper operating conditions; and

(6) Musical chimes emanating from a public or religious institution of facility, provided that the sound is less than fifteen (15) minutes in duration and occurs not more than three (3) times per day.

(7) Sounds generated by a 4.00 classification use in any permissible business district as governed by Section 172 of the Unified Development Ordinance of the Town of Rutherfordton.

#### **Section 8-8004 Enforcement; Penalties.**

(a) Violation of this Part 8, Chapter 8, shall subject the offender to civil penalties as set forth herein. First violations within a one (1) year period shall subject the offender to an official warning citation. Second or subsequent violations of this Part 8, Chapter 8, by the same person for the same activity occurring within one (1) year of the first such violation shall subject the offender to civil penalties as set forth herein.

The civil penalties for violation are as follows:

First Violation:	Warning Citation	
Second Violation:	\$ 50.00	
Third Violation:	100.00	
Fourth violation:	200.00	
Fifth or subsequent violation, per offense:		300.00

(b) In addition to, and not in lieu of, the foregoing civil penalties, this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction, including injunction and order of abatement.

(c) Penalties for violations of this chapter may be assessed against all persons responsible for the premises or the device producing or causing the noise disturbance. An owner of any premises subject to this chapter who is not also an occupant of the premises shall be responsible for any actions by his or her tenants, guests, or other licensees that constitute second or subsequent violations of this article; provided, that no absentee owner shall be liable unless notified of first or previous violations of this article, and further provided that such first or previous violation shall have occurred within the previous twelve (12) month period. Notice of any first or previous violations pursuant to this paragraph shall be effected by registered or certified mail. No absentee owner may be subjected to criminal liability but shall be subject to civil penalties and equitable relief as provided for herein. The person responsible for any premises shall be responsible and liable for any violations of this article by tenants, guests, or licensees on the premises if the person responsible is actively or constructively present at the time of the violation.